

CITY OF ISSAQUAH
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: The applicant is proposing to subdivide a 21.94-acre parcel into 20 single-family residential lots. Six wetlands, ranging from a Category II to IV, and three Class 2 streams with salmonids were identified on and in the vicinity of the project site. Much of the development will occur outside of critical areas buffers, but some areas will encroach into buffers. To mitigate critical area impacts, the applicant is proposing to designate additional areas as buffer and enhance existing buffers with vegetation.

Proponent: Steve Burnstead Construction, LLC
11980 NE 24th St, Ste 200
Bellevue, WA 98005
Attn: Leo Suver

Permit Number: PP18-00002

Location of Proposal: 7932 Renton-Issaquah RD SE, Issaquah, WA

Lead Agency: City of Issaquah

Determination: The City of Issaquah has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Appeal Period: This MDNS is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii. There is a 21-day appeal period for this determination, between **January 10, 2020 to January 31, 2020**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will consider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

1. This threshold determination is based on review of the environmental checklist prepared on August 31, 2018 and revised on November 1, 2019; Critical Area Study & Buffer Mitigation Plan revised on July 11, 2019; Tree Report & Inventory dated July 9, 2018 and revised on November 9, 2019; Preliminary Technical Information Report (TIR) dated September 19, 2018; Preliminary Geotechnical Engineering Report dated May 12, 2017; and other documents in the file.
2. Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah Codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. **Land Use:** The site is located within the Single Family-Estate (SF-E) zone, which allows a maximum density of 1.24 dwelling units per acre. The site is greater than five acres, and therefore, is eligible to use Cluster Housing Standards, outlined under Issaquah Municipal Code (IMC) 18.07.420.

Cluster Housing provides for concentrating the allowed residential density on the developable portion of the site in order to balance both the protection of critical areas while also accommodating housing density consistent with the Comprehensive Plan and underlying zoning. A standard subdivision would result in a more spread out, larger development footprint with more impervious surface area and site disturbance. Therefore, the environmental impacts of a cluster development are reduced compared to a standard residential subdivision.

Regional Trail: A 5-foot wide public pedestrian trail is proposed between the east and west parcel boundaries. The trail is intended to connect from State Route 900 to King County's Cedar-to-Sammamish Rivers Trail that will be located on the eastern edge. The final trail location has not yet been determined, but will be located within the critical area buffers. The applicant is required to coordinate with City staff on the final location.

Staff encourages the trail to be located in the outer 25% of the buffer, but in some areas this may not be possible due to trail access and mature trees. The applicant is proposing to provide additional buffer area equal to the trail area on the east side of Tibbetts Crossing. The proposed trail alignment is not expected to result in a loss of buffer functions. The final mitigation plans shall include the mitigation for the public trail.

The plans also show a future north to south trail segments, which will be constructed by the City at an unknown future date. Critical area buffer impacts will be determined and evaluated prior to construction of the north-south trail segment.

2. **Wetlands:** Per the Development Agreement created due to the Cluster Housing provisions, the project is vested to the land use ordinances, policies, and regulations that were in place at the time the agreement was established. Therefore, the project is vested to the critical area regulations prior to December 28, 2016.

A Wetland Report (Wetland Resources, Inc., dated January 8, 2019 and revised July 11, 2019) was submitted with the application, including; wetland delineation and wetland rating, stream classification, and summary of project impacts and mitigation. The wetland delineation and rating were evaluated by an outside ecologist peer review (Watershed, June 6, 2019 and August 6, 2019), which confirmed the accuracy of the wetland boundaries and wetland rating.

The project site has six wetlands located on or within close vicinity of the site. There is one Category IV wetland with a 40-foot buffer on-site, three Category III wetlands on-site, and one Category III wetland located off-site with a buffer located on the project site. All Category III wetlands have a 50-foot buffer. There is one Category II wetland with a 75-foot buffer on-site.

The proposed development is avoiding direct impacts to all of the wetlands located on the project site, but will encroach into a few associated buffers. To mitigate impacts, the applicant is proposing to utilize buffer averaging, designate additional buffer areas within the site, and enhance existing buffers. The proposed enhancements will increase the structural diversity of vegetation and improve habitat functions over current conditions.

3. **Stream:** The site contains three streams with salmonids; Tibbetts Creek and two unnamed tributaries to Tibbetts Creek. Per IMC, Class 2 streams are required to have a 100-foot buffer. Five of the proposed lots (Lots: 8, 9, 10, 11, and 16) will encroach into the stream buffer. To mitigate stream buffer impacts, buffer area lost will be replaced through buffer averaging.

The reduced stream buffers shall be planted at a planting density consistent with IMC 18.10.790.D; a minimum planting density of 10-feet on-center for trees and 5-feet on-center for shrubs. The planting density shall be shown on the final stream buffer enhancement planting plan.

Final stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a grading plan, planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet King County Critical Areas Mitigation Guidelines for monitoring performance standards.

In accordance with the Cluster Housing provision, all critical areas present on the project site will be preserved as a critical area/open space tract, protecting vegetation and precluding development in perpetuity. This shall be noted on the Final Plat.

4. **Bridge Crossing/Floodplain:** Tibbetts Creek bisects the site from north to south. The applicant is proposing single-family lots on both sides of the stream and intends to construct a bridge crossing over the creek. The road section will consist of two 10-foot travel lanes, a 5-foot wide sidewalk on one side, and two concrete traffic barriers located on both sides of the road. The proposed access road, bridge span over Tibbetts Creek, and new outfall to Tibbetts Creek are currently shown within the Special Flood Hazard Area (SFHA). The bridge design will be reviewed in detail during the construction permit phase, but the supporting foundation of the bridge should be designed outside of the ordinary high water mark. Any required mitigation will be determined under the Flood Hazard permit review process.
5. **Cultural Resources:** All existing structures on-site are intended to be removed. It is presumed the structures on-site are 50 years of age or older, and therefore, there is the potential the site may contain archaeological resources and a number of historical period buildings. Prior to demolition of existing structures, a Cultural Resources Assessment must be conducted. The purpose of the assessment is to determine the presence of surface and subsurface archaeological resources, as well as, historic buildings and structures that are eligible for listing on the National Register of Historic Places (NRHP).
6. **Vegetation:** The majority of the site is undeveloped and consists of tree stands and pasture. City Code requires the site to retain a minimum of 30% of the total caliper of existing significant trees outside of critical areas and buffers. The proposal will remove approximately 1,552.2 diameter inches of existing trees, which leaves approximately 71.4% of trees to be retained.
7. **Stormwater:** The project is required to comply with the 2009 King County Surface Water Design Manual (KCSWDM) along with the City of Issaquah 2011 Addendum (per existing Development Agreement), which together identify the requirements for the storm water detention, treatment and conveyance systems. The project will be adding more than 5,000 square feet of new impervious area. Therefore, the project is required to apply Conservation Flow Control (Level 2) and Sensitive Lake Water Quality. To avoid pollutants from entering the stream, enhanced treatment for all stormwater runoff. Compliance with storm flow control and treatment requirements is achieved through a combination of detention/treatment vaults, bioretention, infiltration, and dispersion techniques.
8. **Traffic:** The project is anticipated to generate approximately 179 average daily trips with 14 trips during the AM peak hour and 19 trips during the PM peak hour. With the City's traffic concurrency system, development projects mitigate their impacts on the City street system with payment of traffic impact fees. The City utilizes traffic impact fees to construct identified road improvements to maintain adopted level of service (LOS) standards on a City-wide basis.
9. **Public Services:** The proposal will have a potential impact on public services, including police and general government buildings. IMC Chapter 3.74, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities, general government buildings, and bicycle and pedestrian facilities are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The mitigation fees will be assessed with issuance of building permits and the actual cost of the mitigation fees will be the adopted fees in effect at the time of permit issuance.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist prepared on August 31, 2018 and revised on November 1, 2019, and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. Impacts to critical area buffer that are caused by road bridge and pedestrian trails must be mitigated in accordance with the King County Mitigation Guidelines.
2. Final critical area and associated buffer enhancement plans are required for approval by the City's Development Services Department prior to issuing construction permits. Final plans shall include, but are not limited to, a planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.
3. Approved tree protection measure must be in place prior to any construction or demolition activities and installed in conjunction with limits of clearing and grading delineation. Clearing and grading shall be outside the critical root zone of significant trees.
4. After rough clearing and grading, trees retained along the edge of clearing limits shall be evaluated for hazardous trees. If removal of hazardous trees is necessary, the applicant shall plan replacement trees consistent with the City's Landscape Code for replacement trees, IMC 18.12.
5. Enhanced treatment shall be required for all stormwater runoff from pollution generating impervious surfaces.
6. Soil disturbing activities within the 100-year floodplain must occur during summer low-flow months only (July/August/September), to avoid incidental impacts to stream habitat or fish.
7. A Cultural Resources Assessment must be conducted prior to demolition of existing structures. The assessment must be submitted with the Site Work Permit.
8. The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. Mitigation fees will be assessed with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA appeal period.

Responsible SEPA Official: Keith Niven
Position/Title: Development Services Director
Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

Date: 1/10/2020
Signature:  for Keith Niven

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
Snoqualmie Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Washington State Department of Archeology and Historic Preservation (DAHP)
Sammamish Plateau Water & Sewer District
King County Dept of Local Services - Road Services Division